



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2020-0053; FRL-9410-07-OCSP]

Receipt of a Pesticide Petition Filed for Residues of Pesticide Chemicals in or on Various Commodities October 2022

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petition and request for comment.

SUMMARY: This document announces the Agency's receipt of an initial filing of a pesticide petition requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2020-0053, through the *Federal eRulemaking Portal* at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Dan Rosenblatt, Registration Division (RD) (7505T), main telephone number: (202) 566-2875, email address: RDfRNotices@epa.gov. The mailing address is Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001. As part of the mailing address, include the contact person's name, division, and mail code.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <https://www.epa.gov/dockets/commenting-epa-dockets>.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on

any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the Agency taking?

EPA is announcing receipt of a pesticide petition filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the request before responding to the petitioner. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petition described in this document contains data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the pesticide petition. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition that is the subject of this document, prepared by the petitioner, is included in a docket EPA has created for this rulemaking. The docket for this petition is available at <https://www.regulations.gov>.

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary referenced in this unit.

A. Notice of Filing – Amended Tolerance Exemptions for Inerts (Except PIPS)

PP IN-11655. EPA-HQ-OPP-2022-0850. Corteva Agriscience, 9330 Zionsville Road,

Indianapolis, IN 46268, requests to amend the tolerance descriptor under 40 CFR 180.560 for residues of cloquintocet-mexyl acetic acid, 5-chloro-8-quinolinyloxy-, 1-methylhexyl ester (CAS Reg. No. 99607-70-2) and its acid metabolite 5-chloro-8-quinolinoxycetic acid under 40 CFR 180.560, to include the use of these chemicals in combination with the active ingredient, tolfenpyrat. This action will not change the magnitude of the residues already established for this safener, but instead would now permit its use in combination with the active ingredient tolfenpyrat. Adequate enforcement methodologies have already been published in the *Federal Register* on June 29, 2011 (76 FR 38035) (FRL-8877-2). The two enforcement methods available are: High performance liquid chromatography with ultraviolet detection (HPLC-UV) method REM 138.01 for the determination of cloquintocet-mexyl parent and the HPLC-UV method REM 138.10, which allows for determination of its acid metabolite. *Contact:* RD

B. New Tolerance Exemptions for Inerts (Except PIPS)

1. *PP IN-11699*. EPA-HQ-OPP-2022-0844. Ingredion Incorporated, 5 Westbrook Corporate Center, Westchester, IL 60154, requests to establish an exemption from the requirement of a tolerance for residues of dextrin, hydrogen 1-octenylbutanedioate (CAS Reg. No. 68070-94-0), when used as an inert ingredient in pesticide formulations under 40 CFR 180.920 for use as a seed treatment only. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. *Contact:* RD

2. *PP IN-11696*. EPA-HQ-OPP-2022-0848. Rosen's Inc., 700 SW 291 Hwy, Suite 204, Liberty, MO 64068, requests to establish an exemption from the requirement of a tolerance for residues of the inert ingredient potassium polyaspartate (CAS Reg. No. 64723-18-8) when used as a complexing agent at no more than 10% in pesticide formulations under 40 CFR 180.920. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. *Contact:* RD

3. *PP IN-11715*. EPA-HQ-OPP-2022-0841. Ingredion Incorporated, 5 Westbrook Corporate Center, Westchester, IL 60154, requests to establish an exemption from the

requirement of a tolerance for residues of amylopectin, 2-hydroxypropyl ether, acid-hydrolyzed (CAS Reg. No. 2756130-86-4), when used as an inert ingredient in pesticide formulations under 40 CFR 180.920 for use as a seed treatment only. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. *Contact:* RD

C. New Tolerances for Non-Inerts

1. *PP 1E8951*. EPA-HQ-OPP-2021-0658. Interregional Research Project Number 4, IR-4, IR-4 Project Headquarters, North Carolina State University, 1730 Varsity Drive, Venture IV, Suite 210, Raleigh, NC 27606, requests to establish a tolerance in 40 CFR 180.658 for residues of penthiopyrad *N*-2-1,3-dimethylbutyl-3-thienyl-1-methyl-3-trifluoromethyl-1H-pyrazole-4-carboxamide including its metabolites and degradates, in or on banana at 2 parts per million (ppm). A high-performance liquid chromatography method with tandem mass spectrometry (LC-MS/MS) detection, is used to measure and evaluate the chemical. *Contact:* RD.

2. *PP 0F8890*. EPA-HQ-OPP-2021-0529. Syngenta Crop Protection, LLC, 410 Swing Road, P.O. Box 18300, Greensboro, NC 27410, requests to establish a tolerance in 40 CFR part 180 for inadvertent residues of the fluazifop-p-butyl metabolite 5-Trifluoromethyl-2-Pyridone TFP in or on corn forage and grain at 0.01 ppm and corn stover at 0.015 ppm. The methods GRM044.09A, MRMT Multi Residue Method Test using QuEChERS, ILV, and Radiovalidation of GRM044.09A are used to measure and evaluate the chemical fluazifop-p-butyl metabolite TFP. *Contact:* RD.

3. *PP 1F8979*. EPA-HQ-OPP-2022-0452. Gowan Company, LLC., 370 South Main Street, Yuma, AZ 85364, requests to establish a tolerance in 40 CFR part 180 for residues of the miticide acynonapryr, 3-*endo*-2-propoxy-4-trifluoromethyl phenoxy-9-5-trifluoromethyl-2-pyridyloxy-9-azabicyclo 3.3.1 nonane and its metabolites AP, 3-*endo*-2-propoxy-4-trifluoromethyl phenoxy-9-azabicyclo 3.3.1 nonane, and AY, 5-trifluoromethyl-2-pyridinol in or on almond at 0.03 ppm; almond, hulls at 4.0 ppm; crop group 10-10; citrus fruits at 0.3 ppm;

citrus, oil at 15.0 ppm; orange, dried pulp at 0.7 ppm; grape at 0.6 ppm; raisins at 3.0 ppm; hops at 50.0 ppm; crop group 11-10, pome fruits at 0.2 ppm; and apple, wet pomace at 0.4 ppm. LC-MS/MS detection is used to measure and evaluate the chemical acynonapyr and its metabolites AP, AP-2, AY, AY-3, and AY-1-Glc. *Contact:* RD.

Authority: 21 U.S.C. 346a.

Dated: November 8, 2022.

Delores Barber,

Director, Information Technology and Resources Management Division,

Office of Pesticide Programs.

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